

Message Text

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ACTION EB-11

INFO OCT-01 AF-10 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

DOT-00 INR-10 NSAE-00 RSC-01 FAA-00 SS-20 NSC-07 L-03

H-03 PA-04 PRS-01 SSO-00 NSCE-00 INRE-00 USIE-00

DRC-01 EUR-25 /106 W

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FM AMEMBASSY ACCRA

TO SECSTATE WASHDC NIACT IMMEDIATE 3334

LIMITED OFFICIAL USE ACCRA 2274

E.O. 11652: N/A

TAGS: ETRN GH

SUBJ: CIVAIR: BILATERAL TALKS

REF: A) ACCRA 2273 B) ACCRA 2145

1. UNTIL LATE DEVELOPMENT EXPLAINED IN PARA 3 BELOW, DISCUSSIONS HAVE DEVELOPED TOWARDS FOLLOWING PACKAGE WHICH GHANADEL CHAIRMAN INDICATED PRIVATELY APPEARED ACCEPTABLE TO HIM.

A. TEXT OF AGREEMENT WITHOUT CAPACITY ARTICLE.

B. "BARE BONES" ROUTE SCHEDULE PROVIDING FOR US-ACCRA & GHANA-NEW YORK ROUTES RESPECTIVELY.

C. EXCHANGE OF NOTES TO ACCOMPANY AGREEMENT WHICH WOULD NOTE THAT AGREEMENT DOES NOT CONTAIN CAPACITY ARTICLE AND THIS MUST BE NEGOTIATED BEFORE ANY OPERATIONS UNDER ROUTE SCHEDULE INITIATED. USDEL ALSO SEEKING LANGUAGE WHICH WOULD MENTION ECONOMIC JUSTIFICATION AS BASIS FOR ANY OPERATIONS. THIS OBVIOUSLY PROVOCATIVE AND WILL REQUIRE CAREFUL DRAFTING. (ANOTHER IMPLICIT "LOCK" ON ANY POSSIBLE GHANAIAI OPERATION IS FACT ROUTES AS DESCRIBED IN ROUTE SCHEDULE CLEARLY NOT OPERABLE WITHOUT ADDITIONAL ROUTE RIGHTS NEGOTIATIONS).

D. EXCHANGE OF NOTES WOULD ALSO PROVIDE CONTINUATION CURRENT PAA LEVEL AND PATTERN OF SERVICES WITH ANY CHANGES SUBJECT USG LIMITED OFFICIAL USE

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REVIEW AND GOG APPROVAL.

E. NOTE ALSO PROVIDES FOR GHANA AIRWAYS BLOCKED SPACE AND CHARTERS SUBJECT GOG REVIEW AND USG APPROVAL.

2. USDEL BELIEVES ABOVE MEETS US OBJECTIVES OF PRESERVING PAA EXISTING OPERATIONS WITHOUT PROVIDING PRACTICAL BASIS FOR GHANAIAAN CARRIER INDEPENDENT OPERATIONS TO US. CAB REPS POINT OUT THAT DEAL PLACES SIGNIFICANT PRACTICAL IMPEDIMENTS TO SCHEDULED SERVICES BY GHANAIAAN CARRIER BUT DOES NOT PROVIDE AIRTIGHT LEGAL BLOCK AGAINST SUCH OPERATIONS AND DOES NOT PROVIDE NEEDED ROUTE RIGHTS FOR USG SHOULD GHANA AIRWAYS BE ALLOWED DESPITE IMPEDIMENTS TO INITIATE SERVICES TO US. (WE MUST RECOGNIZE THAT DEAL THAT DOES CONTAIN AIRTIGHT LEGAL BLOCK DOES NOT MEET GOG MINIMUM REQUIREMENTS AND IS NOT NEGOTIABLE.) SITUATION THAT SHOULD BE EXPLORED IS USG POSTURE IF GHANA ACCEPTS CAPACITY ARTICLE AND WILLING TO OPERATE GHANA-NEW YORK WITHOUT INTERMEDIATES. THEY ALSO POINT OUT THAT DEAL EXCEEDS BOARD RECOMMENDATIONS AND THEREFORE REQUEST GUIDANCE BY OPENING BUSINESS ACCRA THURSDAY. USDEL BELIEVES SERIOUS RISK AND PAN AMERICAN SERVICES WILL BE HAMPERED OR ABORTED IN ABSENCE SOME MOVEMENT. HOWEVER, USDEL NOTES THAT, WITH REMOVAL OF MAJOR ASANTE AS COMMISSIONER OF TRANSPORT (PARA 3 REF B), THIS RISK MAY RPT MAY BE SOMEWHAT LESS SERIOUS THAN BEFORE.

3. IN LATE WEDNESDAY MEETING GHANADEL ADVANCED WITHOUT WARNING ENTIRELY NEW PROPOSAL WHICH THEY INDICATED SHOULD BE CONSIDERED AS ALTERNATIVE OR SUBSTITUTE FOR CONCEPT DESCRIBED ABOVE. (GHANA CHAIRMAN DID NOT COMMENT ON PROVATE VIEW MENTIONED IN PARA 1 ABOVE.) ESSENTIALS OF PROPOSAL INCLUDED:

- A. GHANA ACCEPTANCE BERMUDA PRINCIPLES INCLUDING ARTICLE 9E WITH "SHALL" CHANGED TO "MAY". THEY POINTED OUT THIS IS INDONESIAN FORMULA.
- B. US ROUTE DESCRIPTION TO MEET PAN AM'S EXISTING AND NEAR TERM REQUIREMENTS.
- C. GHANA ROUTE FROM GHANA VIA POINTS IN AFRICA TO NEW YORK OR ALTERNATIVELY WASHINGTON AND BEYOND TO POINT IN CANADA.
- D. NO REFERENCE TO ANY LIMITATION ON GHANA AIRLINE'S RIGHT TO INITIATE SERVICE AS SOON AS DESIRED.

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4. IN RESPONSE TO GHANADEL REQUEST FOR IMMEDIATE REACTION, USDEL POINTED OUT THAT PROPOSAL REPRESENTED ENTIRELY NEW APPROACH WHICH INCLUDED ELEMENTS GOG HAD HERETOFORE STATED WERE NON-NEGOTIABLE AND WOULD REQUIRE SUBSTANTIAL TIME FOR CONSIDERATION. ASIDE FROM ANYTHING ELSE, NEW GOG APPROACH ON CAPACITY OPENED WHOLE NEW AREA OF POSSIBLE OPERATION BY PAA NOT HERETOFORE CONTEMPLATED. THIS WOULD REQUIRE EXHAUSTIVE AIRLINE RESEARCH. USDEL ALSO EXPRESSED SURPRISE AT IMPLICIT

INDICATION OF EARLY OPERATION BY GHANA AIRWAYS, A PROSPECT
GOG HAD EARLIER INDICATED WAS MAY YEARS AWAY. IN SUM ALL
USDEL COULD DO WAS REFER MATTER BACK BUT COULD NOT GUARANTEE
EARLY RESPONSE.

5. COMMENT: USDEL BELIEVES IT DANGEROUS TO RESPOND TO
THIS PROPOSAL AT THIS TIME AND PROPOSES TO INFORM GHANADEL
THAT UNLIKELY WE COULD GET ANSWER TO THIS PROPOSAL FOR SOME
TIME. THIS WILL GIVE US FULLEST OPPORTUNITY TO EXPLORE
OTHER ALTERNATIVE WHILE HERE.
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